

City of Chicopee Sexual Harassment Policy

It is the policy of the City of Chicopee to maintain a non-hostile working environment free from all forms of sexual harassment or intimidation. Sexual harassment in any form is unlawful and will not be tolerated by the City. Any employee who violates this policy will be subject to disciplinary action up to, and including, termination. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated and will lead to disciplinary action up to, and including, termination.

The Range of Policy: This policy applies to all employees of the City, at all time, regardless if they are involved in work-related activities on or off City owned premises.

Sexual harassment is a form of behavior which fundamentally undermines the integrity of employment relationships. It includes, but is not limited to:

- Solicitation of sexual favors as a condition of employment or continued employment, giving something in return for sexual favors.
- Solicitation of sexual favors as a basis or requirement for promotion, transfer, or other employment conditions.
- Solicited or unsolicited verbal, non-verbal, and/or physical conduct and/or innuendoes of a sexual nature which have the purpose or effect of substantially interfering with an individual's work performance or which creates an intimidating, hostile, and/or offensive work environment.

Harassment: Harassment may be defined as the display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, religious or other protected groups; verbal abuse or insults related to protected characteristics (e.g. age, race, color, national origin, religion, sex, sexual orientation, marital status); verbal or physical conduct that is sexual in nature; and quid-pro-quo sexual harassment.

Unreasonable Conduct: Unreasonable conduct may be defined as conduct which is discriminatory, harassing, or which creates a hostile environment.

Discrimination: Employment decisions implicitly or explicitly based on protected characteristics of employment (e.g. sex, age, race, color, national origin, and persons with a disability, religion or sexual orientation) rather than job-related consideration.

Hostile Environment: Conduct that has the purpose or effect of unreasonably interfering with a person's job performance or which creates an intimidating or offensive work environment.

Quid-Pro-Quo Harassment (Something for Something): Making submission to sexual demands an implicit or explicit term or condition of employment, and/or making decisions affecting

someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

Unwelcome Behavior: Conduct that the employee did not solicit or invite and that the employee regards as undesirable or offensive.

Supervisor's Responsibilities: Supervisors should ensure that all employees refrain from all forms of discrimination or harassment at all times. In fulfilling their obligation to maintain a positive and productive work environment, supervisors are expected to:

- Immediately halt any harassment of which they become aware by emphasizing this policy and, when necessary, by more direct disciplinary action (i.e. verbal warning, written warning), and
- Document all disciplinary action taken and complaints regarding sexual harassment including verbal warnings, etc. A copy of the documents must be forwarded to the Human Resources Director.

If harassment activity continues, management personnel should file a formal complaint regarding the conduct with the Human Resources Director. The Human Resources Director will make every reasonable effort to determine the facts and resolve the situation and take the necessary disciplinary action.

Employee's Responsibilities: Each employee is personally responsible for:

- Ensuring that he/she does not sexually harass any other employee, applicant for employment, or other individual in the workplace.
- Cooperating in the investigation of complaints of alleged sexual harassment by providing any information he/she possesses concerning the matters being investigated.
- Otherwise cooperating with the Department's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

Reporting Procedures: Upon receipt of the complaint the City will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview of all parties. Upon completion of the investigation, the City will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

Employees who believe they are the subject of sexual harassment should immediately report the conduct to their Supervisor and/or to the Human Resources Department (if the Supervisor is unavailable), and the Supervisor shall be responsible for promoting awareness of the City's Sexual Harassment Policy and related issues, and shall be available to all staff to receive reports of sexual harassment, and to help facilitate pursuant investigations. The Supervisor must make Human Resources aware of any and all filed complaints, either written or verbal, immediately upon receipt. If the Supervisor is the source of the harassment, then the employee should report the alleged harassment directly to Human Resources. If the Human Resources

Department is the source of the alleged harassment, the employee should report the problem to the Mayor.

A written complaint should state:

- Nature of the Claim
- Names of the parties involved
- Potential witnesses
- Relief requested

All reports of harassment will be investigated promptly, in an impartial manner and as confidential a manner as possible, under the supervision of the Human Resources Department, to ensure prompt and appropriate action.

Action to be taken is:

- Meetings to be held to discuss complaint
- Formal investigation
- Written agreement of resolution

If an employee is not satisfied with the handling of a report or action taken, then the employee may file a written complaint with the Mayor.

Once the Mayor has received a written complaint, he/she will convene a meeting to discuss the complaint with the employee. Appropriate action will be taken to investigate the complaint, including taking the matter to the Law Department, if necessary, for further investigation. Thereafter, proposed relief and discipline would be presented.

Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

If he/she is dissatisfied with the proposed relief, he/she may file a written complaint with a state or federal agency responsible for enforcing sexual harassment. The addresses are listed below;

Massachusetts Commission Against Discrimination
436 Dwight Street
Springfield, MA 01103

Equal Employment Opportunity Counsel
One Congress Street , Room 1001
Boston, MA 02114

United States Attorney

1550 Main Street
Springfield, MA 01103

Confidentiality: The City will maintain the confidentiality of the allegations of the complaint, the complainant and the alleged harasser to the extent practical without handicapping the City's ability to perform an investigation.

Sanctions: Person(s) found in violation of this policy may be subject to any or all of the following disciplinary actions:

- Counseling for the offender and implementation of disciplinary steps. Further information on this section may be discussed with Human Resources.
- Transfer of victim/offender to another division or department.
- Suspension based on civil service guidelines.
- Discharge for cause.

City of Chicopee Bullying and Harassment Policy

The City of Chicopee and its employees agree that mutual respect between and among Department Heads, elected officials, employees, managers, vendors, contractors, members of the public and other employees are integral to the efficient conduct of the City of Chicopee's business. Behaviors that contribute to a hostile, humiliating or intimidating work environment, including abusive language or behavior, are unacceptable and will not be tolerated.

Bullying and Harassment

Harassment: Oral, written, graphic, electronic or physical conduct intended to cause tangible harm to another employee with malice, that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in their normal working environment by creating a hostile, humiliating, intimidating or offensive workplace environment.

Bullying: Abusive conduct with malice, including acts, omissions, or both, that a reasonable person would find hostile, based on the severity, nature and frequency of the aggressor's conduct. Abusive conduct may include, but is not limited to: repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct of a threatening, intimidating, or humiliating nature; the sabotage or undermining of an employee's work performance; or attempts to exploit an employee's known psychological or physical vulnerability. A single act normally will not constitute abusive conduct, but an especially severe and egregious act may meet this standard.

The definitions of Harassment and Bullying are not exclusive of each other.

Malice: The desire to cause pain, injury, or distress to another.

Bullying conduct may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors
- Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property
- Telling degrading or offensive jokes
- Unwanted physical contact of any kind
- Physical violence, threats of bodily harm, physical intimidation, or stalking
- Threatening letters, emails, instant message, or websites that come within the scope of the City of Chicopee's disciplinary authority
- Effacing, damaging or destroying City or another's property

Responsibility of all Employees: Each member of the City of Chicopee workforce is personally responsible for ensuring that his/her conduct does not in any way harass or bully against any other person that he/she has contact with in the performance of his/her duties or while acting within the scope of their employment. In addition, each employee is required to fully cooperate in any investigation of alleged harassment and bullying. Further, employees have an obligation to their fellow employees to intervene and stop any harassment and bullying they witness and to immediately report to the appropriate party instances of bullying and harassment.

Designated Officials for Addressing Harassment and Bullying Complaints: In each Department or building, the Department Head is responsible for receiving reports and complaints of violations of this policy at the initial level. Individuals may file a report or complaint with the Department Head, or if the complaint involves a supervisor or Department Head, to Human Resources. When a complaint has been filed, the Department Head must immediately make Human Resources aware of the complaint.

Procedure for Reporting: The following complaint procedure has been established to ensure prompt and effective investigation into allegations of harassment and bullying.

Any person who believes that he or she has been harassed or bullied may, to the extent they feel comfortable, immediately:

1. Confront the harasser(s) or person believed to be harassing;
2. State the conduct that he/she objects to;
3. Indicate that he/she finds such conduct offensive, intimidating, objectionable, embarrassing, etc.;
4. Insist that the person(s) engaged in the conduct stop it immediately;
5. Report the conduct immediately to your Department Head or Human Resources

If the individual with the concern is not comfortable with such confrontation, or feels that such a confrontation is unsafe and/or inappropriate, he/she should instead report the situation to the Department Head or Human Resources. Reports/complaints are to be filed within ninety (90) days after the conduct complained of occurred or within the time the individual reasonably becomes aware of the conduct. The report should be written and consist of the following:

1. The specific conduct objected to,
2. The date(s) and time(s) such conduct took place,
3. The name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. The location where the conduct occurred,
5. Names of any witnesses,
6. Action sought to remedy the situation,
7. Any other details or information requested by the designated official.

Upon receipt of the complaint the City will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview of all parties. Upon completion of the investigation, the City will inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If an employee is not satisfied with the handling of a report or action taken, then the employee may file a written complaint with the Mayor.

Once the Mayor has received a written complaint, he/she will convene a meeting to discuss the complaint with the employee. Appropriate action will be taken to investigate the complaint, including taking the matter to the Law Department, if necessary, for further investigation. Thereafter, proposed relief and discipline would be presented.

Retaliation: It will be a violation of this policy for any employee to retaliate in any manner against an employee or citizen who has opposed any behavior that would include harassment or bullying, or who has made a charge, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. It will also be a violation of this policy that any person assisting directly or indirectly to obstruct an investigation or prevent a person from going forward with a complaint.

Consequences of Violating Policy – Discipline and Discharge: Any employee who violates this policy will be subject to disciplinary action, up to and including termination. In appropriate circumstances, the City may also refer the matter to law enforcement officials for possible prosecution.

Confidentiality: Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or

those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with the investigation of any complaint under this policy.